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Legislator to push labeling on candy *Bill to Regulate Choking Hazards*

By Aaron Davis, San Jose Mercury News

Congressman Mike Honda says the federal government needs to regulate candy as strictly as it does toys to prevent kids from choking, and he will propose legislation forcing the U.S. Food and Drug Administration to add candy warning labels and pull the most dangerous sweets off store shelves.

If the legislation passes, it would be the most significant development since the Mercury News reported more than a year ago on the deaths of two Bay Area children who choked on conjac gel candy, which has a sticky texture that can make it difficult to dislodge once trapped in a child's throat.

After the Mercury News report, the FDA banned the thimble-shaped gel candy from the United States, prodded companies to issue some 30 recalls and ultimately seized millions of dollars in candy from warehouses. Since then, however, the newspaper has revealed that the agency waited more than 2 1/2 years after first learning the candy might be deadly before taking steps to remove it.



An example of gel candy. (San Jose Mercury News Archives)

Honda, pointing to a total of six deaths linked to gel candy, called that record unacceptable. Under Honda's bill:

- The FDA -- the agency responsible for food safety -- would establish an office of Choking Hazard Evaluation. Currently, the agency does not test any food sold in the United States for choking dangers, despite the fact that thousands more children choke on food than on toys each year.
- The agency would create a database of consumer choking complaints and have the authority to require warning labels on candy and other food items.
- The FDA could order a mandatory recall of food or candy that poses lethal risks.

The FDA did not have power last year to recall gel candy, even though it had killed more children in 2000 and 2001 than any single toy.

To get gel candy off store shelves, the agency spent nearly a year coaxing manufacturers to remove it voluntarily. While the agency was doing so, a 2-year-old girl in New Jersey choked and died on gel candy in December.

“I am confident that much more can be done to protect children, and my legislation will make certain that the FDA does so,” said Honda, D-San Jose, who plans to introduce his legislation next month.

The FDA has enacted a couple of changes since the gel candy deaths, which included 12-year-old Michelle Enrile of San Jose and 3-year-old Deven Joncich of Morgan Hill, who died in 2001 and 2000, respectively.

The agency has broadened its inquiry into candy choking hazards, looking at other types of gelatin candies to determine if they could become lodged easily in the throat. And FDA officials -- finding the agency had no reliable way to identify choking hazards -- have contracted with the Consumer Product Safety Commission, which monitors choking hazards in toys, to test candy for potential choking hazards.

Statistics show the commission has cut the number of deadly child chokings on toys to a handful a year through strict regulations, product testing and about 300 recalls of toys annually.

FDA officials would not directly comment on Honda's initiative, but the agency tacitly defended its lack of oversight on choking hazards in a recent letter to the congressman.

“All foods are intended to be placed in the mouth and, therefore, all foods have some potential for choking,” the letter stated.

However, a study on child choking injuries released Thursday by the Centers for Disease Control found that candy is single-handedly responsible for more choking injuries among children than any other type of food. More than 3,500 children age 14 or younger were treated at emergency rooms in 2001 for choking on candy, and the majority had to be hospitalized or transferred to a facility with a higher level of care.

The CDC study, released a week before Halloween, pointed out that toy choking injuries dropped with package warning labels and indicated that the benefits of adding warning labels to candy and food should be studied.

In defining what characteristics make one piece of candy a greater choking risk than another, the agency would face a task destined to draw heated criticism from food and candy manufacturers. The problem, in part, stems from the way food tests would need to go beyond size, which is how the Consumer Product Safety Commission gauges most toy choking hazards, and consider more subjective factors such as how sticky a candy is.

Gel candy's high viscosity and stickiness kept ambulance workers from effectively removing it from the throats of victims, medical records show.

Regardless of whether it's an easy task to define food choking hazards, Dr. Sylvan Stool, a professor of pediatric medicine at the University of Colorado, said it's something that must be done.

“I've been taking things out of children's throats for 40 years,” Stool said. “And I'm tired of it.”